

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In Re: PHARMACEUTICAL)
INDUSTRY AVERAGE WHOLESALE)
PRICE LITIGATION) MDL No. 1456
THIS DOCUMENT RELATES TO:) Master File No. 01-CV-12257-PBS
THE AMENDED MASTER)
CONSOLIDATED CLASS ACTION) Judge Patti B. Saris
Chief Mag. Judge Marianne B. Bowler

**DEFENDANTS' MOTION TO COMPEL
AETNA U.S. HEALTH CARE, HUMANA, INC., AND CIGNA CORPORATION
TO COMPLY WITH DEPOSITION SUBPOENAS**

Defendants to the Amended Master Consolidated Class Action Complaint respectfully move this Court for an order compelling third parties Aetna U.S. Health Care, Humana, Inc., and CIGNA Corporation to produce deposition witnesses pursuant to revised subpoenas served upon them on April 5, 2004, and for such other and further relief as the Court deems just and appropriate. The grounds for this motion are set forth in the accompanying memorandum of law and exhibits.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d) the undersigned counsel hereby request oral argument on the issues set forth in this motion and the accompanying memorandum of law and exhibits.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certify that
counsel for defendants conferred with counsel for third parties Aetna U.S. Health Care, Humana,

Inc., and CIGNA Corporation regarding the issues addressed in this motion, but were unable to resolve or further narrow the issues.

Dated: August 30, 2004

Respectfully submitted,

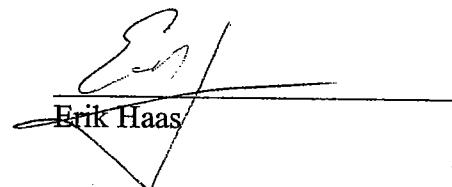
By: 

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Attorneys for Defendants Johnson & Johnson, Centocor Inc. Ortho Biotech Products L.P., Janssen Pharmaceutica L.P. and McNeil-PPC on behalf of all defendants to the Amended Master Consolidated Class Action Complaint

CERTIFICATE OF SERVICE

I certify that on August 30, 2004, a true and correct copy of the forgoing Motion To Compel Third Parties Aetna U.S. Health Care, Humana, Inc., and CIGNA Corporation To Produce Deposition Witnesses Pursuant To Subpoena was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties. I further certify that a copy was served on August 30, 2004 on counsel for third parties Aetna U.S. Health Care, Humana, Inc., and Cigna Corporation by fax and Federal Express.



Erik Haas

A handwritten signature in black ink, appearing to read "Erik Haas", is written over a horizontal line. Below the line, the name "Erik Haas" is printed in a smaller, sans-serif font.